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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,419	09/23/2003	Yuval Berenstain	2960/1	1092

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EXAMINER	
FLETCHER III, WILLIAM P	
ART UNIT	**PAPER NUMBER**
1762	

DATE MAILED: 11/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/667,419	BERENSTAIN ET AL.	
	Examiner	Art Unit	
	William P. Fletcher III	1762	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 November 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-53* is/are pending in the application.

4a) Of the above claim(s) *35-53* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *23 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☒ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 21 September 2005 has been entered.

Response to Amendment

2. Claims 1-53 are pending of which claims 35-53 are withdrawn from consideration. Applicant is reminded that, for an amendment to be in compliance with 37 CFR 1.121, the listing of claims must include the text of withdrawn claims.

Response to Arguments

3. Applicant's arguments presented in the response filed 21 September 2005 are acknowledged.

4. With respect to the rejection under 35 USC 102(b), set-forth in the prior Office action, because Frischer teaches master reel **10** of previously-formed, non-woven, fibrous web material **16** (see Fig. 1), this reference no longer anticipates these claims and the rejection is withdrawn.

5. With respect to the rejections under 35 USC 103(a), set-forth in the prior Office action, because Frischer teaches previously-formed material **16** and because Moroff teaches the use of "commercially available raw decorative papers" (3:37-39), these references no longer serve to render the claimed invention obvious as explained in the rejections of record and these rejections are withdrawn.

6. Applicant's attention is drawn to the new grounds of rejection, set-forth below, citing newly-discovered reference WO 02/060702 A2.

Priority

7. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Israel on 13 February 2003. It is noted, however, that applicant has not filed a certified copy of the IL 154452 application as required by 35 U.S.C. 119(b).

Claim Rejections - 35 USC § 102

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9. **Claims 1, 2, 4, 6, 9, 17, 19, 21, 23-25, and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 02/060702 A2.**

Reference is made to 12:3-14; 17:10-19:28; and Fig. 2. This document teaches a process for applying a finishing agent to a non-woven fabric. The process comprises, in a production line for producing the non-woven fabric, forming a wet-laid, non-woven fabric in an apparatus therefor. The non-woven is de-watered to a water content of from about 2% and 30% by weight. The non-woven is passed along a production line during which materials or ingredients may be added to the non-woven using, for example, a binder applicator. Since applicant defines a "finishing agent" as "any additive, coating, or colorant that may be added to non-woven fabric" (spec., 10:20-21), the non-limiting examples of colorants and surface active materials taught by this reference anticipate applicant's claimed "finishing agent" and the non-limiting example of a binder applicator taught by this reference anticipates applicant's claimed "finishing unit." Such

additives may be applied after de-watering (i.e., at a moisture content of between about 2% and 30%) and before, during, or after drying in the driers and ovens deployed in the production line.

Claim Rejections - 35 USC § 103

10. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

11. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

12. **Claims 1, 2, 4, 6-9, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moroff et al. (US 4,324,832 A) in view of WO 02/060702 A2.**

Moroff is applied here for the same reasons as detailed in prior Office actions.

As noted by applicant, Moroff teaches the use of a commercially available non-woven substrate and so does not teach forming the non-woven fabric as part of the production line.

The WO document cited above teaches a process for treating a non-woven fabric in which a forming apparatus, treating apparatus, and drying apparatus are all deployed in the production line of the non-woven.

It would have been obvious to one of ordinary skill in the art to modify the process of Moroff so as to include in the non-woven production line, a non-woven forming apparatus. Not

only is doing so demonstrated as known in the art by the WO document, but one of ordinary skill in the art would have been further motivated to do so by the control over quality and elimination of ordering, shipping, and delivery logistics and costs associated with ordering from a third party, advantageously afforded by in-house production of the non-woven.

Further, Moroff does not teach the claimed moisture content.

The WO document cited above teaches maintaining the moisture content of a non-woven at between about 2% and 30% by weight during the processing thereof (including the application of a treatment agent thereto). This range overlaps that of "greater than 10%" claimed by applicant. In the case where a claimed range overlaps or lies inside ranges disclosed by the prior art, a *prima facie* case of obviousness exists. See MPEP 2144.05(I).

It would have been obvious to one of ordinary skill in the art to modify the process of Moroff so as to maintain the moisture content of the non-woven at the value suggested by the WO document. One of ordinary skill in the art would have been motivated to do so by the desire and expectation of successfully treating the non-woven.

With specific respect to claim 4, the WO document teaches that the non-woven if formed by a wet-laid process. Insofar as this is a known process for forming a non-woven and it is suggested by the WO document, it would have been obvious to one of ordinary skill in the art to form the non-woven by a wet-laid process.

With specific respect to claim 15, it is the examiner's position that the process of Moroff in view of the WO document is of a robust nature and suggestive of the application of any suitable and desired finishing agent to the non-woven. Consequently, it is the examiner's

position that the addition of a detergent additive would have been obvious to one of ordinary skill in the art.

13. **Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moroff in view of WO 02/060702 A2 as applied to claim1 above, and further in view of Wang et al. (US 5,935,880 A).**

The teaching if Moroff in view of the WO document is detailed above, including the suggestion of forming a wet-laid non-woven.

None of the cited references explicitly teaches that the non-woven is produced according to the processes recited in these claims.

Wang teaches that non-woven webs may conventionally be formed by wet-laid, air-laid (dry-laid), or hydroentanglement processes (1:18-40).

It would have been obvious to one of ordinary skill in the art to modify the process of Moroff in view of the WO document so as to form the non-woven by any one of these conventional processes taught by Wang and to incorporate the apparatus therefor as part of the production line. One of ordinary skill in the art would have been motivated to do so by the desire and expectation of successfully forming the non-woven.

14. **Claims 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moroff in view of WO 02/060702 A2 as applied to claim1 above, and further in view of Jellinek et al. (US 4,810,751 A).**

The teaching of Moroff in view of the WO document is detailed above. Notably, Moroff teaches that the non-woven web is dipped into an acrylic resin as the finishing agent (4:3-5).

None of the cited references explicitly teaches that the acrylic binder may be applied in the fashion or forms recited in these claims.

Jellinek teaches that acrylic binder compositions may be applied to a variety of web substrates, including non-wovens, as a paste or foam, utilizing rotary screen printing or engraved rollers (4:27-51).

It would have been obvious to one of ordinary skill in the art to modify the process of Moroff in view of the WO document so as to replace the immersion application of the acrylic binder with application as a paste or foam utilizing rotary screen printing or engraved rollers. One of ordinary skill in the art would have been motivated to do so by the desire and expectation of successfully applying the acrylic binder to the non-woven web.

15. **Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moroff in view of WO 02/060702 A2 as applied to claim 1 above, and further in view of GB 2 292 082 A.**

The teaching of Moroff in view of the WO document is detailed above. Moroff teaches that the finished non-woven web is suitable for use as decorative paper (1:10-25 and 3:26-36).

None of these references explicitly states that application of the finishing agent includes applying a scent producing additive.

The GB reference teaches that a scented coating may be applied to wallpaper to serve as an adhesive (abstract), the scent covering other unpleasant smells associated with application of the wallpaper (1:bottom).

It would have been obvious to one of ordinary skill in the art to modify the process of Moroff in view of the WO document so as to add a scented coating to the wallpaper (said coating

reading on a "finishing agent," as discussed above). One of ordinary skill in the art would have been motivated to do so by the desire and expectation of yielding a wall covering with a pleasant smell.

16. **Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moroff in view of WO 02/060702 A2 as applied to claim 1 above, and further in view of Frischer (US 5,989,380 A).**

The teaching of Moroff in view of the WO document is detailed above.

As noted above, Moroff teaches that the finished non-woven web is suitable for use as decorative paper (1:10-25 and 3:26-36). None of the cited references teach that a finishing agent containing a colorant is applied in a graphic pattern.

As noted in prior Office actions, Frischer teaches that sublimable dyes (which also read on "finishing agents") may be applied to the web in a desired design to produce a decorative paper (5:54-6:28).

It would have been obvious to one of ordinary skill in the art to modify the process of Moroff in view of the WO document so as to apply a graphic design as suggested by Frischer. One of ordinary skill in the art would have been motivated to do so by the desire and expectation of successfully yielding the desired decorative paper.

17. **Claims 19, 21, 23-25, 31, 33, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frischer (US 5,989,380 A) in view of WO 02/060702 A2.**

Frischer is applied here for the same reasons as detailed in prior Office actions.

As noted above, Frischer teaches master reel **10** of previously-formed, non-woven, fibrous web material **16** (see Fig. 1).

The WO document cited above teaches a process for treating a non-woven fabric in which a forming apparatus, treating apparatus, and drying apparatus are all deployed in the production line of the non-woven.

It would have been obvious to one of ordinary skill in the art to modify the process of Frischer so as to perform the steps of non-woven forming, treating, and drying as part of an in-line process with all of the requisite apparatuses being part of the same production line. Not only is doing so demonstrated as known in the art by the WO document, but one of ordinary skill in the art would have been further motivated to do so by the control over quality and elimination of ordering, shipping, and delivery logistics and costs associated with ordering from a third party, advantageously afforded by in-house production of the non-woven.

With specific respect to claim 24, Frischer does not teach the claimed moisture content.

The WO document cited above teaches maintaining the moisture content of a non-woven at between about 2% and 30% by weight during the processing thereof (including the application of a treatment agent thereto). This range overlaps that of "greater than 10%" claimed by applicant. In the case where a claimed range overlaps or lies inside ranges disclosed by the prior art, a *prima facie* case of obviousness exists. See MPEP 2144.05(I).

It would have been obvious to one of ordinary skill in the art to modify the process of Moroff so as to maintain the moisture content of the non-woven at the value suggested by the WO document. One of ordinary skill in the art would have been motivated to do so by the desire and expectation of successfully treating the non-woven.

With specific respect to claim 21, the WO document teaches that the non-woven if formed by a wet-laid process. Insofar as this is a known process for forming a non-woven and it

is suggested by the WO document, it would have been obvious to one of ordinary skill in the art to form the non-woven by a wet-laid process.

With specific respect to claim 31, it is the examiner's position that the process of Frischer in view of the WO document is of a robust nature and suggestive of the application of any suitable and desired finishing agent to the non-woven. Consequently, it is the examiner's position that the addition of a detergent additive would have been obvious to one of ordinary skill in the art.

18. **Claims 20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frischer in view of WO 02/060702 A2 as applied to claim1 above, and further in view of Wang et al. (US 5,935,880 A).**

The teaching if Frischer in view of the WO document is detailed above, including the suggestion of forming a wet-laid non-woven.

None of the cited references explicitly teaches that the non-woven is produced according to the processes recited in these claims.

Wang teaches that non-woven webs may conventionally be formed by wet-laid, air-laid (dry-laid), or hydroentanglement processes (1:18-40).

It would have been obvious to one of ordinary skill in the art to modify the process of Frischer in view of the WO document so as to form the non-woven by any one of these conventional processes taught by Wang and to incorporate the apparatus therefor as part of the production line. One of ordinary skill in the art would have been motivated to do so by the desire and expectation of successfully forming the non-woven.

19. **Claims 26-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frischer in view of WO 02/060702 A2 as applied to claim1 above, and further in view of Jellinek et al. (US 4,810,751 A).**

The teaching of Frischer in view of the WO document is detailed above. Notably, Frischer teaches that the finished non-woven is suitable for use as a wall covering (i.e., wallpaper) and that the non-woven web is dipped into an acrylic binder to impart rigidity thereto and facilitate further processing thereof (5:38-47).

None of the cited references explicitly teaches that the acrylic binder may be applied in the fashion or forms recited in these claims.

Jellinek teaches that acrylic binder compositions may be applied to a variety of web substrates, including non-wovens, as a paste or foam, utilizing rotary screen printing or engraved rollers (4:27-51).

It would have been obvious to one of ordinary skill in the art to modify the process of Moroff in view of the WO document so as to replace the immersion application of the acrylic binder with application as a paste or foam utilizing rotary screen printing or engraved rollers. One of ordinary skill in the art would have been motivated to do so by the desire and expectation of successfully applying the acrylic binder to the non-woven web.

20. **Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moroff in view of WO 02/060702 A2 as applied to claim 1 above, and further in view of GB 2 292 082 A.**

The teaching of Frischer in view of the WO document is detailed above. Again, Frischer teaches that the finished non-woven is suitable for use as a wall covering (5:38-47).

None of these references explicitly states that application of the finishing agent includes applying a scent producing additive.

The GB reference teaches that a scented coating may be applied to wallpaper to serve as an adhesive (abstract), the scent covering other unpleasant smells associated with application of the wallpaper (1:bottom).

It would have been obvious to one of ordinary skill in the art to modify the process of Frischer in view of the WO document so as to add a scented coating to the wallpaper (said coating reading on a "finishing agent," as discussed above). One of ordinary skill in the art would have been motivated to do so by the desire and expectation of yielding a wall covering with a pleasant smell.

Conclusion

21. The prompt development of clear issues in the prosecution history requires that applicant's reply to this Office action be fully responsive (MPEP § 714.02). When filing an amendment, applicant should specifically point out the support for any amendment made to the disclosure, including new or amended claims (MPEP §§ 714.02 & 2163). A fully responsive reply to this Office action, if it includes new or amended claims, must therefore include an explicit citation (i.e., page number and line number) of that/those portion(s) of the original disclosure which applicant contends support(s) the new or amended limitation(s).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William P. Fletcher III whose telephone number is (571) 272-1419. The examiner can normally be reached on Monday through Friday, 9 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy H. Meeks can be reached on (571) 272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

11/17/2005

William Phillip Fletcher III
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Art Unit 1762